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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,668	09/01/2005	Graham Foster	13058N/050417	1843
32885 7590 09/27/2010 STITES & HARBISON PLLC 401 COMMERCE STREET SUITE 800 NASHVILLE, TN 37219				
EXAMINER YABUT, DANIEL D				
ART UNIT 3656		PAPER NUMBER		
NOTIFICATION DATE 09/27/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/531,668

**Applicant(s)**

FOSTER ET AL.

**Examiner**

DANIEL YABUT

**Art Unit**

3656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/21/2010 has been entered.

### **Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Wieltisch (German Patent DE2261933).

Wieltisch discloses an anchoring device (Fig. 1) for anchoring an elongate member (2, 3; 15<sup>th</sup> paragraph in translation) to a fixed member (Fig. 4) having a slot leading to an edge thereof (at 14; Fig. 4), comprising a(n):

Re claim 22

- Sleeve (4) which is fixable coaxially around said elongate member (Fig. 1) and which is provided with a peripheral groove (see groove between shoulders 6 and 7 in Fig. 1) that has an axial length is sufficient to accommodate the thickness of the fixed

member at said slot and has an outer dimension being less than the inner dimension of the slot (see in Fig. 1)

- Collar member (12) which is carried by, and axially moveable along, said sleeve (13<sup>th</sup> full paragraph in English translation), said collar member having a leading edge (at 13) which extends into said groove and engages the slot when the anchoring device is located within said slot, the collar member being arranged such that the leading edge thereof can be withdrawn from the groove by moving the collar member along the sleeve in an axial direction away from the slot (14<sup>th</sup> paragraph in English translation)
- Anchoring device further comprising two opposed shoulders (6, 7) that define the peripheral groove (near 6, 7 in Fig. 1), the opposed shoulders having a fixed axial distance between each other that remains fixed when the collar is moved along the sleeve in an axial direction

Re claim 23

- Anchoring device being located within said slot (Fig. 1), the leading edge of said collar member substantially fills the gap between the groove and the slot (at 13; Fig. 1), said gap being created by the difference in their respective dimensions.

Re claims 24 and 32

- Collar member is substantially cylindrical and said leading edge is substantially circular (Fig. 3-4)

Re claim 25 and 33

- Slot is generally U-shaped (near 14; Fig. 4) and includes a narrowed neck portion (at 14), beneath which said leading edge of the collar member is engaged (Fig. 1) when said anchoring device is located within said slot.

Re claim 26, 34, and 35

- Leading edge includes a chamfer (see chamfer near 13 in Fig. 1).

Re claim 27

- Fixed member includes at least one chamfer (see at opening of slot in Fig. 4) at the open edge thereof
- Fixed member chamfer operates to push the leading edge of the collar out of the groove and away from the fixed member (14<sup>th</sup> paragraph in translation)

Re claim 28

- Collar member is spring biased (11) in the direction of the fixed member (13th paragraph in translation)
- When the anchoring device is fully located within the slot, the leading edge of the collar member automatically extends into the groove (see in Fig. 1)

Re claim 29

- Collar member is manually retractable against the spring force to withdraw the leading edge thereof from the groove, and enable the anchoring device to be withdrawn from the slot (13th and 14th paragraphs in translation).

Re claim 30 and 36

- Load bearing ring (at 7; Fig. 1) surrounding at least a portion of said collar member (see load bearing ring at 7 circumferentially surrounding collar member 12).

Re claim 31

- Spring located underneath said collar member (at 11 in Fig. 1) and retained in compression by a cap member (8).

### **Response to Arguments**

Applicant's arguments with respect to claims 22-36 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL YABUT whose telephone number is (571)270-5526. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard W. Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL YABUT/  
Examiner, Art Unit 3656  
9/15/2010

/Richard WL Ridley/  
Supervisory Patent Examiner, Art Unit 3656